

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
(EASTERN DIVISION)

BRENDA STEINHAUER,)	
)	
Plaintiff,)	
)	
vs.)	No. _____
)	
DR. GIUSEPPE ALIPERTI, M.D. and MIDWEST)	
THERAPEUTIC ENDOSCOPY CONSULTANTS, LLC,)	
)	
Defendants.)	

COMPLAINT

COUNT I
MEDICAL MALPRACTICE/NEGLIGENCE

Now comes the Plaintiff, BRENDA STEINHAUER, by her attorneys, STRELLIS & FIELD, CHARTERED, and for her cause of action against the Defendant, DR. GIUSEPPE ALIPERTI, M.D., states as follows:

1. The plaintiff is a citizen and resident of St. Clair County, Illinois in the Southern District of Illinois.
2. Jurisdiction of this Court is invoked pursuant to Title 28 United States Code, Section 1332(a). The matter in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).
3. At times pertinent hereto, the defendant, DR. GIUSEPPE ALIPERTI, M.D., was a licensed physician engaged in the practice of his profession in the County of St. Louis, in the Eastern District of Missouri.
4. That on or about February 17, 2010 through November 16, 2010, plaintiff had been under the continuous care and supervision of defendant, DR. GIUSEPPE ALIPERTI, M.D., for cholecstectomy complications with pancreatic or peripancreatic abscess.

5. On March 22, 2010 and March 29, 2010, CT scans were performed on the plaintiff, which revealed recurrent right lower quadrant fluid collection.

6. That on November 10, 2010, the plaintiff was finally diagnosed to have a fistula after repeat series of fistulogram were performed from November 10, 2010 through December 9, 2010.

7. At times pertinent hereto, the defendant, DR. GIUSEPPE ALIPERTI, M.D., had a duty to exercise reasonable care within the standard of care generally accepted in the field of medicine by administering proper and adequate medical care to the Plaintiff.

8. While in the care as stated above, the defendant, DR. GIUSEPPE ALIPERTI, M.D., was in violation of his duty to the plaintiff and negligently performed one or more of the following acts:

- a. Negligently failed to properly diagnose fistula whereas, if the defendant had through the exercise of reasonable care, alternative medical treatment would have been required;
- b. Negligently failed to properly diagnose the perforation of the duodenum.

9. As a proximate result of one or more of the aforesaid stated negligent act(s) or omission(s) of the Defendant, DR. GIUSEPPE ALIPERTI, M.D., Plaintiff, Brenda Steinhauer, has suffered, is suffering, and will suffer severe and permanent disability, injuries, medical expenses, and loss of income.

WHEREFORE, plaintiff, BRENDA STEINHAUER, demands judgment against the defendant, DR. GIUSEPPE ALIPERTI, M.D., in an amount of Three Million Dollars (\$3,000,000.00), plus costs of suit.

COUNT II
MEDICAL MALPRACTICE/NEGLIGENCE

Now comes the Plaintiff, BRENDA STEINHAUER, by her attorneys, STRELLIS & FIELD, CHARTERED, and for her cause of action against the Defendant, MIDWEST THERAPEUTIC ENDOSCOPY CONSULTANTS, LLC., states as follows:

1. The plaintiff is a citizen and resident of St. Clair County, Illinois in the Southern District of Illinois.

2. Jurisdiction of this Court is invoked pursuant to Title 28 United States Code, Section 1332(a). The matter in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).

3. At times pertinent hereto, the defendant, Midwest Therapeutic Endoscopy Consultants, LLC, was a corporation engaged in the practice of medicine in the County of St. Louis, in the Eastern District of Missouri.

4. That on or about February 17, 2010 through November 16, 2010, plaintiff had been under the continuous care and supervision of defendant, Midwest Therapeutic Endoscopy Consultants, LLC, through its duly authorized and apparent agents and/or employees, for cholecystectomy complications with pancreatic or peripancreatic abscess.

5. From March 22, 2010 through September, 2010, CT scans were performed on the plaintiff, which revealed recurrent right lower quadrant fluid collection.

6. That on November 10, 2010, the plaintiff was finally diagnosed to have a fistula after repeat series of fistulogram were performed from November 10, 2010 through December 9, 2010.

7. At times pertinent hereto, the defendant, Midwest Therapeutic Endoscopy Consultants, LLC, through its authorized and apparent agents and/or employees, had a duty to exercise reasonable care within the standard of care generally accepted in the field of medicine by administering proper and adequate medical care to the Plaintiff.

8. While in the care as stated above, the defendant, Midwest Therapeutic Endoscopy Consultants, LLC, through its authorized and apparent agents and/or employees, was in violation of its duty to the plaintiff and negligently performed one or more of the following acts:

- a. Negligently failed to properly diagnose fistula whereas, if the defendant had through the exercise of reasonable care, alternative medical treatment would have been required;
- b. Negligently failed to properly diagnose the perforation of the duodenum.

9. As a proximate result of one or more of the aforesaid stated negligent act(s) or omission(s) of the Defendant, Defendant, Midwest Therapeutic Endoscopy Consultants, LLC, through its authorized and apparent agents and/or employees, Plaintiff, Brenda Steinhauer, has suffered, is suffering, and will suffer severe and permanent disability, injuries, medical expenses, and loss of income.

WHEREFORE, plaintiff, BRENDA STEINHAUER, demands judgment against the defendant, Midwest Therapeutic Endoscopy Consultants, LLC, through its authorized and apparent agents and/or employees, in an amount of Three Million Dollars (\$3,000,000.00), plus costs of suit.

STRELLIS & FIELD, CHARTERED,

BY s/Jack A. Strellis
JACK A. STRELLIS #2754630
115 East Mill Street
Waterloo, Illinois 62298
(618) 939-3404
ATTORNEYS FOR PLAINTIFF

PLAINTIFF DEMANDS
TRIAL BY JURY